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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,151	01/21/2004	Wen-Shen Lin	14191 B	6470
408	7590	04/19/2006	EXAMINER AYRES, TIMOTHY MICHAEL	
LUEDEKA, NEELY & GRAHAM, P.C. P O BOX 1871 KNOXVILLE, TN 37901			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,151	<b>Applicant(s)</b> LIN ET AL.	
	<b>Examiner</b> Timothy M. Ayres	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Newly submitted claims 18 and 22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: A downwardly extending lip structure, a pair of parallel frame members adjacent to lip structure, and fasteners passing through the frame members but not engaging the lip structure are limitations that are distinct from the original invention of a table with a support tube secured by a plurality of screws.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

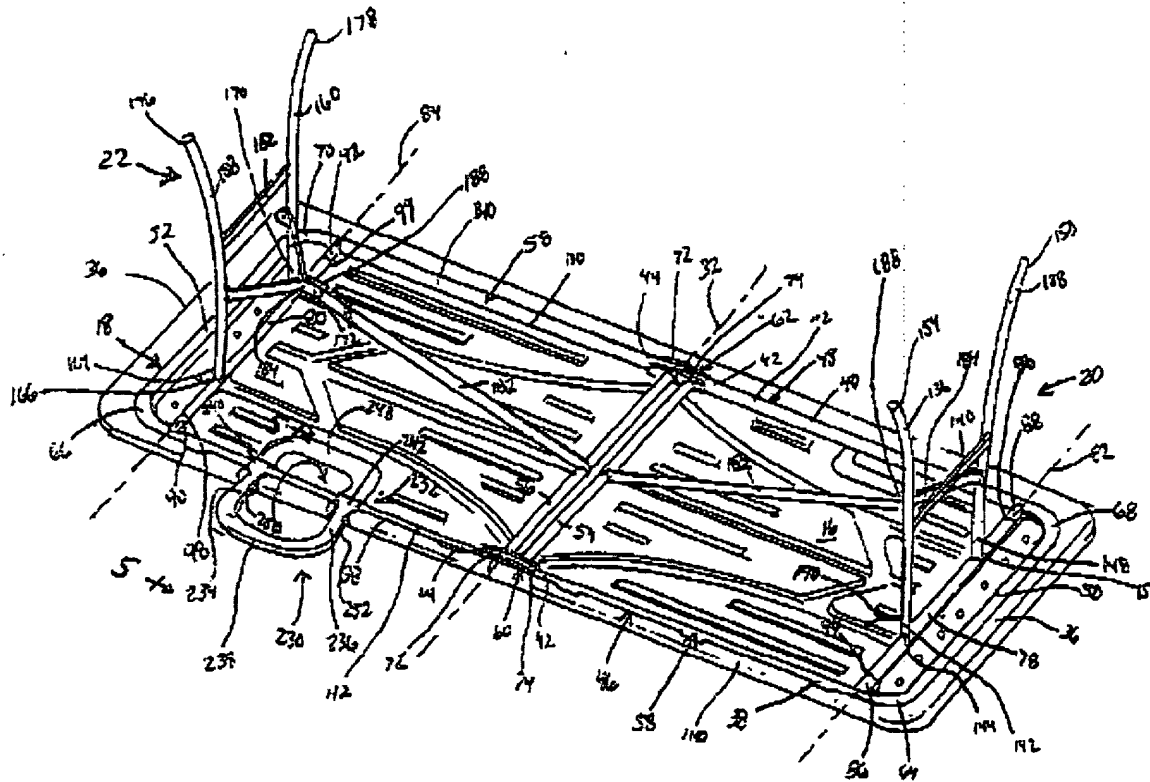
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0092445 to Glover et al. in view of US Patent 1,959,725 to Lindsay and US Patent 1,905,219 to Crichton.

5. Glover discloses a blow molded table (10) that is made of a table board and is supported by two opposite support units (22, 20) that are foldably mounted in the receiving space on the bottom (16) of the table boards as seen in figure 2. Support stands (136, 138, 78, 158, 160, 80) are pivotally mounted on the ends of the table and a support member (180) is pivotally attached to the mediate of the table board and to the support stand. The support stand of each of the two supports has an auxiliary reinforcement member (140, 162). The support member (180) of each support units (22, 20) has a support bar (182, 54, 56) having a first end pivotally mounted on the middle portion of the table board and is substantially T-shaped. An extension bar (184) having a first end pivotally mounted on the second end of the support bar (182) and a second end of the extension bar (184) pivotally mounted on the support stand and is substantially V-shaped. The support stands are in alignment with each other. The

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support bars (54, 56) are juxtaposed with a space between them. A plurality of receiving recesses for receiving the support stand and the support member when the support unit is folded is formed in the receiving space as seen in figure 2. The receiving space has two opposite sides with support tubes (38, 40).

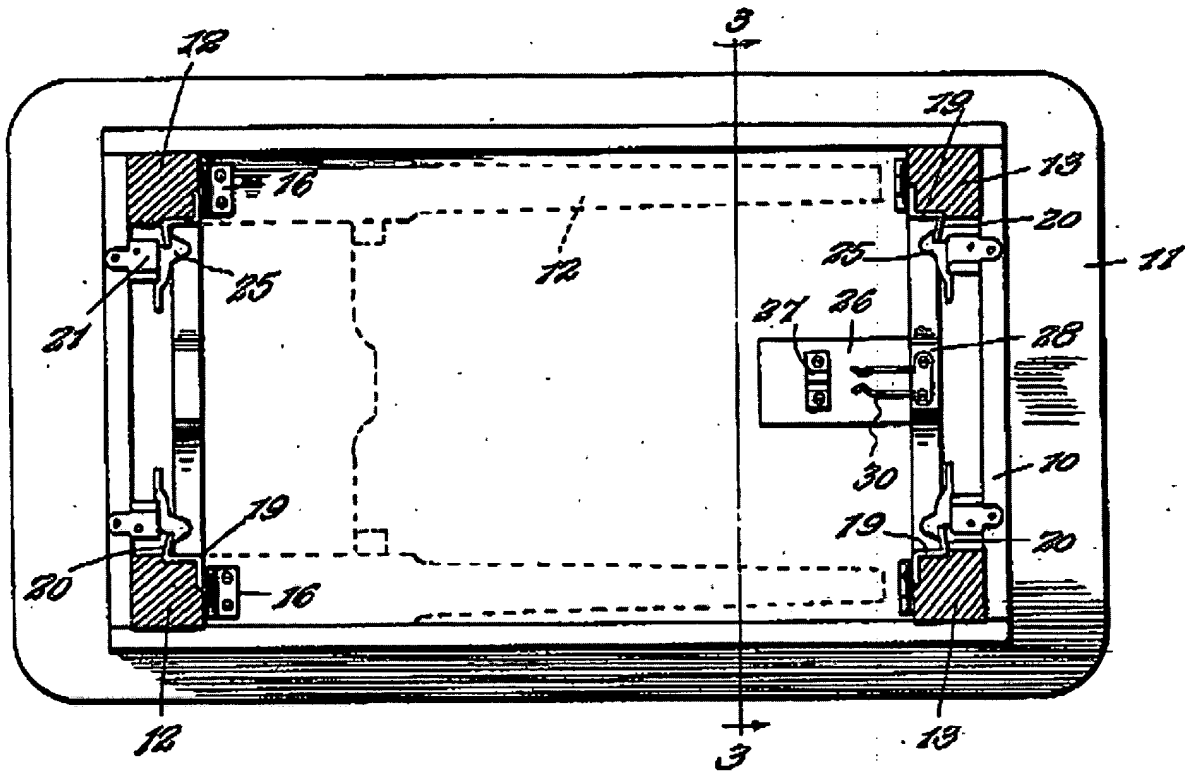


Glover '445 Figure 2

6. Glover does not expressly disclose the reinforcement member having a mediate portion formed with a substantially c-shaped holder engaging to the support bar when the support member and support stand are folded. Lindsay discloses a folding table with support unit (13) including a reinforcement member (15). On the reinforcement member

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(15) is a c-shaped frame holder (30) that clamps a head member (27) mounted to the table.



Lindsay '725 Figure 1

7. Neither Glover nor Lindsay expressly discloses the c-shaped frame holder engaging the support bar. Crichton teaches a folding table with a c-shaped frame holder (22) similar in shape to that of Lindsay that engages a round table leg (19) that is the same shape as the support bar of Glover.

8. At the time of invention it would have been obvious for a person of ordinary skill in the art to use the teaching of Lindsay to add the c-shaped frame holder on to the reinforcement member of Glover's table and to use the teaching of Crichton to have the

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c-shape frame holder engage the support bar so that when the table is folded the legs will be secured making the table easier to handle and fold and would not require the head member (27) thereby making easier and cheaper to manufacture. Glover in view of Lindsay and Crichton does not disclose the c-shaped frame holder on both support units. At the time of invention it would have been obvious for a person of ordinary skill in the art to add another one to the second support unit of Glover since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

9. Regarding claim 15, Glover teaches a recess for receiving the support bar as seen in figure 2. It can be considered to be capable of receiving a portion of the c-shaped holder when the table is collapsed since it is capable of receiving the support bar which the c-shaped holed will be engaging.

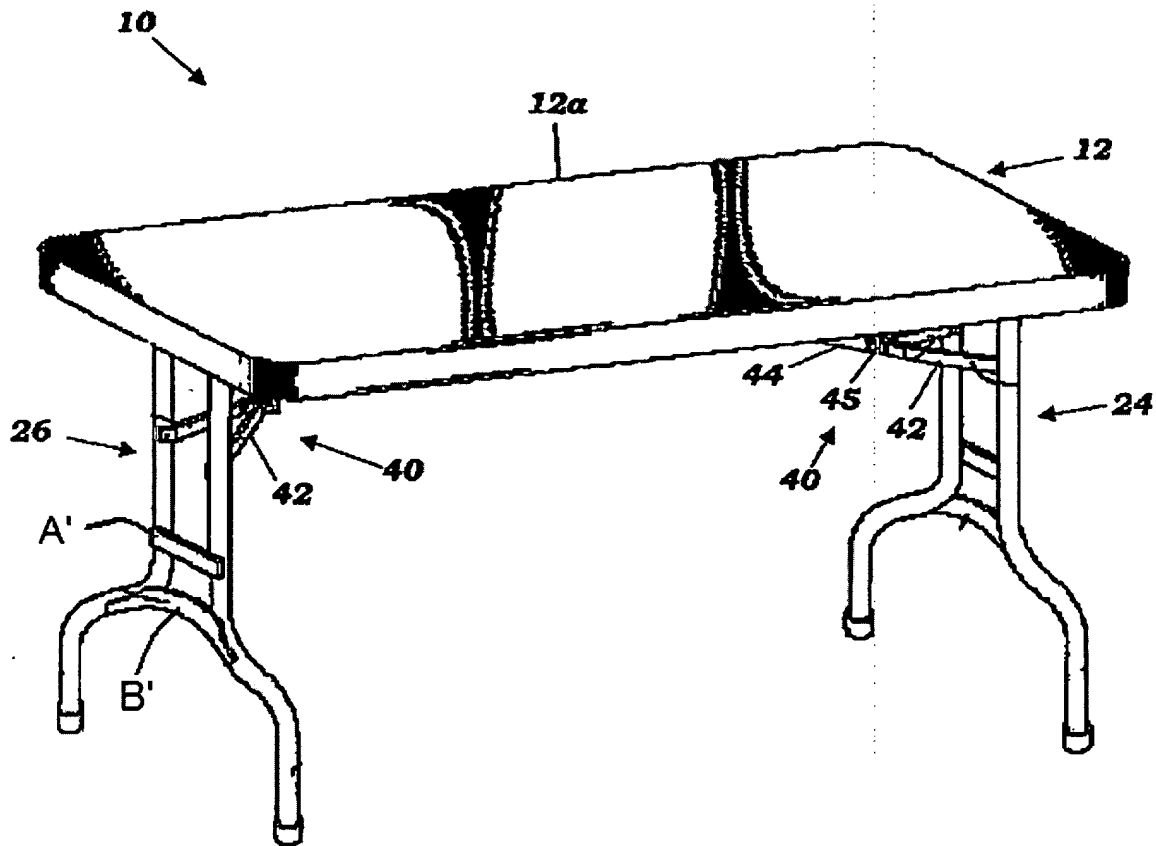
10. Claims 13, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,823,806 to Buono in view of US Patent 1,959,725 to Lindsay.

11. Buono '806 discloses a blow molded table (10) that is made of a table board (12) and is supported by two opposite support units (24,26) that are foldably mounted on the bottom of the table board (12b). The bottom of the table (12b) is formed with a receiving space (22) as best seen in figure 3 with the two support units (24, 26) mounted therein (Col. 3, line 15-24). A support stand (50) is pivotally mounted on the ends of the table

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and a support member (40) is pivotally attached to the mediate of the table board (12b) and to the support stand (50). The support stand (50) of each of the two support units (24,26) has an auxiliary reinforcement member (A' or B') as seen in marked up figure 1 below. The auxiliary reinforcement member (A') is a linear brace and the auxiliary reinforcement member (B') is an arched brace. The support member (40) of each support units (24, 26) has a support bar (44, 46) having a first end pivotally mounted on the middle portion (48) of the table board (12b) and is substantially T-shaped. An extension bar (42) having a first end pivotally mounted on the second end of the support bar (44, 46) and a second end of the extension bar (42) pivotally mounted on the support stand (50) and is substantially V-shaped. The support stands are in alignment with each other. The support bars (46) are juxtaposed with a space between them as seen in figure 2. A plurality of receiving recesses for receiving the support stand (50) and the support member (40) of each support unit (24,26) when they are folded are formed in the receiving space (22) as seen in figure 4. The receiving space (22) has two opposite sides with support tubes (32) which is secured by a plurality of bolts or screws tot the table (12) ( Col. 5, lines 40-48).





Buono '806 Figure 1

12. Buono '806 does not expressly disclose the reinforcement member having a mediate portion formed with a substantially c-shaped holder clamped to the support bar when the support member and support stand are folded. Lindsay discloses a folding table with support unit (13) including a reinforcement member (15). On the middle portion of the reinforcement member (15) is a c-shaped frame holder (30) that clamps a head member (27) mounted to the table.

13. Neither Buono '806 nor Lindsay expressly discloses the c-shaped frame holder engaging the support bar. Crichton teaches a folding table with a c-shaped frame holder

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(22) similar in shape to that of Lindsay that engages a round table leg (19) that is the same shape as the support bar of Glover.

14. At the time of invention it would have been obvious for a person of ordinary skill in the art to use the teaching of Lindsay to add the c-shaped frame holder on to the reinforcement member of Buono's table and to use the teaching of Crichton to have the c-shape frame holder engage the support bar so that when the table is folded the legs will be secured making the table easier to handle and would not require the head member (27) thereby making easier and cheaper to manufacture. Buono '806 in view of Lindsay and Crichton does not disclose the c-shaped frame holder on both support units. At the time of invention it would have been obvious for a person of ordinary skill in the art to add another one to the second support unit of Buono '806 since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

15. Regarding claims 16 and 17, the c-shaped holder can be placed on either of the reinforcement members (A' or B').

### ***Response to Arguments***

16. Applicant's arguments filed 3/01/06 have been fully considered but they are not persuasive. In response to the argument that since Glover folds in half it would not need another mechanism to hold the legs. The c-shaped holder would aid in folding the table board in half since it would hold the legs into the table and they would not get in the way while the table board is being folded.

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17. Lindsay does not teach the c-shaped holder engaging the support stand, but Crichton fixes this deficiency by teaching a c-shaped holder engaging a round support. The original claims only had the c-shaped holder clamped to the support bar and thus did not require the direct contact limitation that the word engages does.

18. The applicant presented no arguments to the rejection involving Buono'806 and Lindsay and thus the examiner considers the motivation to combine to be sound.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

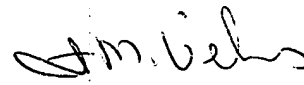
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
4/11/06



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